

**Water Use Advisory Council (WUAC) Meeting**  
**Tuesday, November 10, 2020**  
**1:00 p.m.-3:00 p.m.**  
**On Teams Hosted by the Department of Environment, Great Lakes, and Energy (EGLE)**

[Join Microsoft Teams Meeting](#)

[+1 248-509-0316](#) United States, Pontiac (Toll)

Conference ID: 906 806 631#

**MINUTES**

**1. Welcome**

Laura Campbell, Co-Chair, Farm Bureau, welcomed members and guests and shared the logistics for participation in the meeting. She noted she will be sharing the Chair role with fellow Chairs Eggers and Burroughs who will also facilitate portions of the agenda. She then took roll call attendance of members, asking them to share their location, and their alternates.

**2. Roll Call**

Abbey Eaton, East Lansing, MI - Department of Agriculture and Rural Development (MDARD)

Brian Eggers, Traverse City, MI - AKT Peerless

Bryan Burroughs, DeWitt, MI /Taylor Ridderbusch, Michigan Trout Unlimited

Christine Alexander, Okemos, MI --Department of Environment, Great Lakes, and Energy (EGLE)

Dave Hamilton, Haslett, MI - The Nature Conservancy Retired

Doug Needham, Lansing, MI - Michigan Aggregates Association

Frank Ettawageshik, Harbor Springs, MI - United Tribes of Michigan

James Clift, Deputy Director, Lansing, MI - EGLE

Jason Walther, Three Rivers, MI/Kelly Turner, Agricultural Irrigators

Jim Nicholas, Shelby, MI - Nicholas-H2O

John Yellich, Paw Paw, MI - Michigan Geological Survey

Laura Campbell, East Lansing, MI/Ben Tirrell Michigan, Farm Bureau

Margaret Bettenhausen, East Lansing, MI - Attorney General

Mike Frederick, Lansing, MI/Michigan Ground Water Association

Mike Gallagher, Richland, MI - Michigan Lake Stewardship Associations

Pat Staskiewicz, Grand Haven, MI Michigan Section American Water Works Association

Scott DeBoe, Portage, MI/Rachel Proctor, Jackson Consumers Energy

Steve Kohler, Kalamazoo, MI - River Watershed Council

Tammy Newcomb, Webberville, MI - Michigan Department of Natural Resources (MDNR)

Tom Frazier, Haslett, MI - Michigan Townships Association

Tom Zimnicki, Lansing, MI - Michigan Environmental Council

**WUAC Members/Alternates Absent:**

Buddy Sebastian, Michigan Ground Water Association  
Charlie Scott, Michigan Golf Course Owners Association  
Clyde Dugan, Michigan Section American Water Works Association  
Grenetta Thomassey, Tip of the Mitt Watershed Council  
Jason Geer, Michigan Chamber of Commerce  
Jim Johnson, Department of Agriculture and Rural Development (MDARD)  
Kyle Rorah, Ducks Unlimited  
Nikki Ghorpade, Ducks Unlimited  
Rich Bowman, The Nature Conservancy  
Sue Hanf, Michigan Aggregates Association

**Non-members present:**

Andy LeBaron, EGLE  
Christine Spitzley, OHM Advisors  
Christopher Gothberg, EGLE  
Clayton Joupperi, EGLE  
Dave Greco  
Dave Lusch, MSU Retired  
Emily Finnell, Office of the Great Lakes  
Grant Poole  
Elle Gullotte, DNR  
Hannah Arnett, EGLE  
James Ostrowski, EGLE  
Jim Milne, EGLE  
Joel Henry  
Mark Seamon  
Nathaniel Shuff, EGLE  
Ralph Haefner, USGS  
Todd Feenstra, Tritium, Inc.

**3. Approval of Agenda-Roll Call Vote**

Campbell called for the approval of the agenda. Hearing no changes or additions, the agenda stood as presented.

**4. Approval of Minutes-Roll Call Vote**

Campbell called for approval for minutes for the October 20,2020 meeting. With no objections or comments the minutes were approved as presented.

**5. Public Comment**

There was no public comment at this time.

**6. Final Edits for Legislative Report**

- Several suggestions were received to remove committee names and instead have recommendations consistently made by the WUAC and for identified tasks to be

assigned to the entire WUAC not individual committees. Campbell asked for confirmation of these recommendations to be consistent throughout the Report.

*Recommendation to make the report from the whole WUAC not individual committee was confirmed by consensus.*

- Confirmation was requested regarding funding end dates on of the CMI and Renew Michigan program. (See Page 2 and Page 19)

*Clift will confirm these dates for inclusion in the Report.*

- The language of the Water Conservation Committee's recommendations on pages 8-14 have been replaced entirely with new documents sent after their follow-up meetings with WUAC members. The replacements are very similar to the originals.

Turner thanked everyone for their input and shared the recommended report edits.

- Cost analysis and funding recommendation were revised and clarified.  
*Recommendation confirmed by consensus.*
- Increasing Water Efficiency and Conservation Practices in the Agriculture Industry.
  - Clarity was added to add a focus in Zone C watershed management areas.
  - Recommend adding USDA and NRCS as stakeholders. Education to navigate USDA and NRCS programs.
  - After 3 years review by the WUAC to determine if it should continue to receive funding and become a long-term program per metrics.

Lusch noted that the Natural Resources Conservation Service (NRCS) is part of the U.S. Department of Agriculture (USDA). He asked if there any conservation programs that are not managed through NRCS or are they the only they are the only agency that delivers these programs? After discussion it was determined to remove the references to NRCS and keep USDA as a stakeholder.

*Recommendation confirmed by consensus with noted changes.*

- Page 18: For additional clarity, the following language was amended:  
"It must be emphasized some of the data entry to Wellogic is the responsibility of the applicant to submit the correct data in a timely fashion. This The applicant's portion of data submission is not the driller's responsibility and much of this data entry for high-capacity wells has evolved and the applicant needs to know it is their responsibility."

It was noted that technically submission is property owner's responsibility however drillers often submit as a courtesy. Wellogic is just a tool not a requirement.

*Proposed changes were confirmed by consensus.*

*(At this time, Co-Chair Brian Eggers assumed role of meeting Chair.)*

**7. Process and Timeline for Completing 2020 Legislative Report**

Eggers stated the WUAC Report will be sent electronically to the legislature in December to meet the required deadline. The WUAC will formally request to present the Report findings to the new legislature in January or February 2021 when new legislative committees are in place. The Report will also be reviewed by EGLE for priorities and shared with the legislators per the upcoming budgets.

**8. Depleted Water Management Areas -Continued Discussion from August Meeting**

Discussions between Hamilton and the WUAU staff led to revisions in the depleted WMA status table that EGLE presented at the August meeting. Milne shared a revised map and table of Zone D WMAs and a map and table of Zone B cold-transitional and Zone C WMAs that have at least 8 Site Specific Reviews. The purpose of sharing the Zone B cold-transitional and Zone C WMAs was to bring them to the WUAC's attention as WMAs that should also be considered for additional data collection, modeling, and the possible formation of water user committees. A map was also shared where the WMAs in red are currently in Zone D, meaning the cumulative stream flow depletion has reached the point where an adverse resource impact is likely (i.e., negative stream flow depletion balance). WMAs outlined in black showed areas where the Data Collection Committee is recommending using a different aquifer storage coefficient than the default value in the Water Withdrawal Assessment Tool (WWAT).

Milne explained the index flow column is most likely the revised index flow value after EGLE staff did an index flow review as part of an SSR. If the WMA has not had an SSR, then it is the original WWAT estimate. The allowable depletion column (gpm) is the index flow value multiplied by the % allowable depletion for that stream classification, e.g., 4% for cold-transitional streams and 24% for warm streams. Comparing the value in the allowable depletion column with the current depletion status in the next column gives you an idea about how easy it might be to get the WMA out of Zone D. For example, there is more capacity to work with in the Macatawa River, a warm small river, than there is in Osborn Drain, a cold-transitional stream. The current WMA status column does not include depletions for pending SSRs, unless the SSR proposes an after-the-fact authorization for an existing LQW. Milne then shared a slide listing the Zone B cold-transitional and Zone C WMAs in a similar table format to the list of Zone D WMAs. The Zone B cold-transitional WMAs were noted in red. If the current WMA status is a negative number that means that EGLE is accounting for depletions from pending SSR requests for after-the-fact authorizations for unregistered, but operating, LQWs. For additional clarity please refer to the meeting slides which further details and illustrates this information.

Discussion took place regarding existing and potential models including the pilot model in Cass County and one in St. Joseph County as well as a proposal in front of EGLE for one in Calhoun County. It was requested that Feenstra send the St. Joseph model to Models Committee.

***(At this time, Co-Chair Bryan Burroughs assumed role of meeting Chair.)***

**9. Program Updates**

Milne reported Mike Osier and Alex Pink resigned from state service to pursue other career opportunities. That effectively means that WUAU is back down to 2 SSR staff, since virtually all of Jill Van Dyke's time is spent on groundwater model reviews, pre-screening requests for public water supplies, and aquifer dispute resolution complaints. WUAU also has a vacancy for another modeler position. All 3 vacancies are affected by the hiring freeze and WRD must request exemptions from the hiring freeze to fill them. Milne updated the vacancy packages, so they will be ready to post once WRD gets the green light to post them and was notified today the division would request exemptions for two of the three positions.

Milne provided updated metrics for Program Year 12 (July 9-October 2020) and provided updated cumulative metrics for Program Years 1-12 (2009-2020). He noted the Program Year for the Part 327 Water Use Program runs from July 9 to July 8 of the following calendar year. As of the end of October 2020, a total of 170 Large Quantity Withdrawals have been authorized in Program Year 12; 143 through the WWAT and 27 through SSRs. The average number of days to complete an SSR is holding steady right now but our percent completed within the 10 business days has declined somewhat. This decline has been affected by the added number of SSRs received, staffing levels, and other factors. Milne shared graphs that show the cumulative trends in the average number of days to complete an SSR and the percent of SSRs completed within 10 business days from July 9, 2009 through the end of October 2020. While still trending in the right directions, staffing and other issues may affect timeliness metrics going forward. Milne shared the total registrations for the period between July 9, 2020 and the end of October 2020.

Milne presented compliance metrics for the period from July 9 through the end of October 2020. Milne explained that amended registrations are for LQWs that were installed and/or operated differently than were authorized by the WWAT or SSR where there was stream flow available to authorize the as built/as operated LQW. After the fact registrations are issued when there is enough stream flow available to authorize unregistered LQWs. If there is missing pump information, compliance communications are sent for well logs that are missing pump information, usually because the property owner installs the pump sometime after the well was completed (e.g., horizontal wells).

Milne then presented metrics for pre-screening reviews of proposed public water supplies for the period from July 9 through October 2020. Jill Van Dyke performs pre-screening reviews (basically SSRs) for EGLE Drinking Water & Environmental Health Division for proposed new or increased Type 1 Municipal Water Supply capacity. The Safe Drinking Water Act requires new or increased Type 1 water supplies to also meet the Part 327 standards for not causing adverse resource impacts. For additional clarity please refer to the meeting slides which further details and illustrates this information.

Milne shared that the Joyce Foundation provides funds to support policy work to protect the Great Lakes. A previous Joyce Foundation grant provided funding for a position to provide administrative and logistical support for a previous version of the Water Use

Advisory Council. The Joyce Foundation issued a request for proposals to assess state and tribal groundwater policies in the Great Lakes region. He provided a website that provides additional information about a webinar presented by the Joyce Foundation, the request for proposals, and how to apply for a grant. Ettawageshik reported this new program funding comes from a re-evaluation of the Foundations strategic plan. Joyce wants to help with view to a regional basis broadening funding to bring some regionality into the way these policies are viewed. Discussion took place regarding the timeline of the grants and the renewed focus and investment in water policy.

#### **10. Water Conservation Committee**

Finnell and Turner shared the status of and questions related to establishment of the new Water Conservation and Efficiency Committee. Neither Emily or Kelly are appointed WUAC members and posed the question of non-council members leading committees. It was agreed that the WUAC appreciates anyone willing to put volunteer the effort needed to fulfill the WUAC's work. It was mentioned that alternates do have the standing to chair committees. Needham stated he supports non-council members leading if someone from council is on committee. Frank endorsed Needham's stance and said he would like to serve on the Committee as Council member.

Kelly and Emily agreed to co-chair the Water Conservation and Efficiency Committee. Current Committee Members include Kelly Turner, Jason Walther, Emily Finnell, Jeremiah Asher, Frank Ettawageshik, Abbey Eaton, Tom Frazier, Andy LeBaron and Hannah Arnett. No members asked to be removed from the Committee. Pat Staskiewicz asked to be added to the Committee. Burroughs stated everyone should be monitoring the work of the committees. Members are encouraged to share their input as the WUAC works to develop models, programs, recommendations, and policies.

#### **11. Next Meeting**

The next meeting will be on December 15, 2020 at 1 p.m. Burroughs opened the discussion for the 2021 meeting schedule. Ettawageshik feels bi-monthly, two-hour meetings are appropriate if there is the opportunity to go over the time limit if necessary. Reeves suggested scheduling three hours with the expectation that the meetings will be two hours. This was supported by Nicholas. Burroughs said the issue will be referred to the Executive Committee for discussion at their next meeting.

Lusch asked in regard to the timing of the presentation of the WUAC Report to the Legislature, should the first 2021 WUAC meeting be in January to allow preparation time or in February closer to the expected presentation to the Legislature? Lusch also suggested the issue of Water Management Areas impacted by high Great Lakes water levels raised by Milne's report as a potential agenda item for the December agenda. It was clarified this is regarding policy development and the Wiscoggin Drain. It was determined as a technical issue this should first be addressed at the committee level.

#### **12. Open Comments**

There were no comments at this time.

#### **13. Motion to Adjourn**

There being no further items, it was MOVED by Nicholas and Supported by Hamilton to adjourn the meeting at 2:58 pm. Motion carried.